

EXHIBIT BB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JESSE REYES, DANIEL REYNOSO,
LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, LATINO COMMUNITY FUND
OF WASHINGTON,

Plaintiffs,

v.

BRENDA CHILTON, et al.,

Defendants.

Case No.

4:21-cv-05075-

MKD

VIDEOTAPED DEPOSITION OF

SHON SMALL

DATE: Friday, May 19, 2023

TIME: 8:35 a.m.

LOCATION: Remote Proceeding

Benton County Administration Building

7122 West Okanogan Place, Suite E

Kennewick, WA 99336

OFFICIATED BY: Michele Z. Stevenson, Notary Public

JOB NO.: 5915240

1 the members of the election board, you know, that will
2 try to make contact with these individuals, you know,
3 and go: "Yeah. Hey, matter of fact, you know, there
4 was a discrepancy here. We just got this in today.
5 Here's the signature."

6 "Okay. Yeah. It matches." You know, those
7 types of things.

8 MR. FUQUA: I see. Okay. I apologize
9 for the confusion on that.

10 We've been going about an hour 15. And
11 we're done, I think, with this provision. So this seems
12 like probably a pretty good time to take a short break.

13 MR. MCCURDY: Okay. Do you want to go
14 off the record?

15 MR. FUQUA: I thought we would, to give
16 the court reporter a meaningful break.

17 MR. MCCURDY: Yeah. So I'm asking, let's
18 go off the record to discuss our break.

19 THE VIDEOGRAPHER: Okay. Let's go off
20 the record. The time is 9:43 a.m.

21 (Off the record.)

22 THE VIDEOGRAPHER: On the record. The
23 time is 9:55 a.m.

24 BY MR. FUQUA:

25 Q Okay. Mr. Small, coming out of the break

1 there after talking about that Administrative Code
2 provision, I want to talk with you a little bit about
3 training you may have received that would assist you in
4 applying the provisions of that Administrative Code.

5 So let me just start with that question. Is
6 there any training that you have received that would
7 assist you in comparing signatures to determine whether
8 or not they match for purposes of accepting or rejecting
9 a ballot?

10 A I feel so.

11 Q Can you tell me about it? What training are
12 you referring to there?

13 A Yeah. Well, I guess to start off, you know, a
14 little over 22 years of law enforcement experience.
15 Wound up taking an assortment of classes. I think when
16 I left, I had between four to five thousand hours of
17 training.

18 And part of that actually had to do with
19 forgery cases and -- and basically of -- of checks, you
20 know, those types of things. And it was, like, a 40-
21 hour class that I wound up taking. And I -- on -- just
22 on -- on the job.

23 Q Let's talk a little bit about that 40-hour
24 class. When was it that you took that class?

25 A I think it was in the late '90s, I believe.

1 Q Okay.

2 A It might have been -- it might have been in
3 the 2000s. I -- I really can't remember.

4 Q So in the neighborhood of 20 to 25 years ago;
5 is that a fair range?

6 A I'd say so. Yes.

7 Q I say 20 to 25 years ago from today, from
8 where we're sitting right now?

9 A Yes.

10 Q Do you remember how that 40 hours was spread
11 out? I mean, did you do that in a week, over the course
12 of a month? What's your recollection?

13 A Yeah. It was -- it was a week. It was a
14 weeklong course we went --

15 Q Okay. So it was like an eight-hour day, like
16 a full-time job for a week kind of thing?

17 A Yes.

18 Q Okay. Was the entire 40 hours devoted to
19 handwriting or signature analysis?

20 A Not the whole 40 hours, but -- but a good
21 portion of it. Yeah. I think close to 24 hours, right
22 around there. And then we -- I know we did do a little
23 bit of hands-on in regards of having different scenarios
24 and, you know, basically mock scenes, if you want to
25 call it.

1 Q Okay. So when you say "hands-on," you mean,
2 you know, the instructors would present you with -- you
3 know, and again, just, I could be way off-base. I just
4 want to make sure I understand.

5 The instructors might do something like
6 present you with two different documents and have you
7 compare them and try to make a determination as to which
8 one is legitimate? Is that the kind of thing you're
9 talking about?

10 A Kind of. Keep in mind, it was close to 20
11 years ago. I can't remember all the specifics, whatnot.
12 You know? But I -- I do remember, back in the day, it
13 was actually, you know, talking about checks 'cause
14 there was a lot of check forgeries going on back then.
15 A lot of people don't even know what checks are.

16 Q Yeah.

17 A But it was those types of things.

18 Q Do you recall any instruction from a certified
19 handwriting analyst or somebody like that?

20 MR. MCCURDY: Object to form.

21 A I -- I don't remember. I -- I don't. I -- I
22 know it was through CJTC. And I'm --

23 THE OFFICER: I'm sorry; what was that?

24 THE WITNESS: The Criminal Justice
25 Training Commission. It's called CJTC.

CERTIFICATE OF DEPOSITION OFFICER

I, MICHELE Z. STEVENSON, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Dated: June 6, 2023



MICHELE Z. STEVENSON

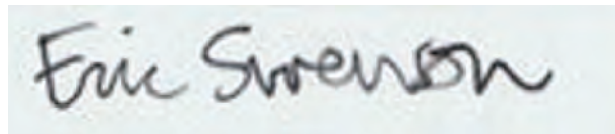
Notary Public in and for the
State of California

☒ Review of the transcript was requested.

CERTIFICATE OF TRANSCRIBER

I, ERIC ROBERT SWENSON, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Dated: June 6, 2023

A handwritten signature in dark ink that reads "Eric Swenson". The signature is written in a cursive, flowing style. The first name "Eric" is written in a larger, more prominent script than the last name "Swenson". The signature is centered horizontally within the block.

ERIC ROBERT SWENSON